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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,492	07/16/2003	Yuji Nagashima	50099-233	8833

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MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

HANG, VU B

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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08/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/619,492	NAGASHIMA ET AL.	
	Examiner	Art Unit	
	Vu B. Hang	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 11 and 12 are rejected under 35 U.S.C. 101.

3. Regarding **Claims 11 and 12**, Claims 11 and 12 are rejected under 35 U.S.C. 101

because the claimed invention is directed to non-statutory subject matter. The computer programs claimed are merely sets of instructions per se. Since a computer program is a set of instructions not embodied on a computer readable medium to realize the computer program functionality, the claimed subject matter is non-statutory. See MPEP § 2106 IV.B.1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 5-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hatta et al. (US Pub. 2005/0117948 A1).

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6. Regarding **Claim 1**, Hatta discloses a printing system including at least one processing device (see Fig.2 (1) and Page 1, paragraph [0009]), the at least one processing device comprising:

7. a layout creation element for generating layout data about a print including a photograph represented by first printing-specific photograph data to hold layout information about the first printing-specific photograph data associated with a layout result (see Fig.3 (6,12,13) and Page 7, paragraph [0081]), the first printing-specific photograph data being digital data represented in an RGB color system (see Page 5, paragraph [0068] and Page 11, paragraph [0113]);

8. a layout information combination element for combining the layout result with a setting file (see Fig.4 (33,34,39) and Page 9, paragraphs [0096-0099]).

9. a color space conversion element for converting the first printing-specific photograph data into second printing-specific photograph data (see Fig.4 (34) and Page 9, paragraph [0099]), the second printing-specific photograph data being digital data represented in CMYK color system (see Page 9, paragraph [0099]);

10. a correction element for correcting the second printing-specific photograph data (see Fig.19 (331,312,338) and Page 21, paragraphs [0221-0223]);

11. a replacement element for changing the association between the layout result and the first printing-specific photograph data in the layout information into association between the layout result and the second printing-specific photograph data (see Fig.4 (33,34,39) and Page 9, paragraphs [0096-0099]);

12. the setting file describing details of processes to be executed by the color space conversion element, the correction element and the replacement element (see Fig.4 (33) and Page 9, paragraph [0097]);
13. the layout data subjected to the association change being passed to a rasterization process (see Page 9, paragraph [0099]).
14. Regarding **Claims 2, 7 and 10**, Hatta further discloses the printing-specific photograph data is obtained by converting image data acquired by a digital camera into data represented in a standard color system independent of the type of digital camera (see Fig.2 (6), Page 5, paragraph [0068] and Page 11, paragraph [0113]).
15. Regarding **Claim 3**, Hatta further discloses the at least one data processing device is one layout data generation device (see Fig.3 (13) and Page 7, paragraph [0080]).
16. Regarding **Claims 5 and 9**, Hatta further discloses the print data processing device further comprises a setting file creation element for creating and modifying the setting file (see Fig.19 (8,32) and Page 11, paragraphs [0221-0223]), and the print data processing device causes the setting file creation element to set a new setting file again and to perform an image conversion process again based on the new setting file when proof printing based on the print data produces an improper result (see Fig.19 (8,32) and Page 11, paragraphs [0221-0223]).
17. Regarding **Claim 6**, the rationale provided for the rejection of Claim 1 is incorporated herein.
18. Regarding **Claim 8**, Hatta discloses a print data processing device for performing a predetermined process on layout data for defining a layout of a print (see Fig.4 (2) and Page 9, paragraphs [0096-0099]), the print data processing device comprising:

19. a color space conversion element for converting the first printing-specific photograph data into second printing-specific photograph data (see Fig.4 (34) and Page 9, paragraph [0099]), the second printing-specific photograph data being digital data represented in CMYK color system (see Page 9, paragraph [0099]), the first printing-specific photograph data being digital data represented in an RGB color system (see Page 5, paragraph [0068] and Page 11, paragraph [0113]), the second printing-specific photograph data being digital data represented in CMYK color system (see Page 9, paragraph [0099]);
20. a correction element for correcting the second printing-specific photograph data (see Fig.19 (331,312,338) and Page 21, paragraphs [0221-0223]);
21. a replacement element for changing the association between the layout result and the first printing-specific photograph data in the layout information into association between the layout result and the second printing-specific photograph data (see Fig.4 (33,34,39) and Page 9, paragraphs [0096-0099]); and
22. a rasterization process element for rasterizing the layout data subjected to the association change to generate print data (see Page 9, paragraph [0099]),
23. the layout result being included in a setting file describing details of processes to be executed by the color space conversion element, the correction element and the replacement element (see Fig.4 (33 and Page 9, paragraph [0097])).
24. Regarding **Claim 11**, Claim 11 recites identical features as Claim 1 except Claim 11 is a computer program claim. Thus, arguments similar to that presented above for Claim 1 are equally applicable to Claim 11.

25. Regarding **Claim 12**, Claim 12 recites identical features as Claim 8 except Claim 8 is a computer program claim. Thus, arguments similar to that presented above for Claim 8 are equally applicable to Claim 12.

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatta et al. (US Pub. 2005/0117948 A1).

28. Regarding **Claim 4**, Hatta discloses the print data processing device comprises a rasterization element for rasterizing the layout data subjected to the association change to generate print data (see Page 9, paragraph [0099]) but fails to disclose the layout creation element and the layout information combination element are provided in one layout data generation device, and the remaining elements are provided in a print data processing device different from the layout data generation device. Hatta, however, teaches that several layout information combination elements can be arranged into a single dedicated casing (see Page 6, paragraph [0072]). At the time of the invention, it would have been obvious for one skilled in the art to arrange the layout creation element and the layout information combination element into one layout data generation device. The motivation would be for design choice reasons. A

designer may prefer to arrange the elements into one machine, such as a multifunction peripheral device, for compactness reasons.


Conclusion

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu B. Hang whose telephone number is (571) 272-0582. The examiner can normally be reached on Monday-Friday, 9:00am - 6:00pm.

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vu Hang
Assistant Examiner



TWYLER LAMB
SUPERVISORY PATENT EXAMINER